IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13900 of 2007

Date of decision: 07.09.2007

Punjab Financial Corporation .....Petitioner

Versus

M/s Grewal Rice Mill and others .....Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. G.S.Gill, Advocate,
for the petitioner.

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M.M.Kumar,J.

This petition filed under Articles 226/227 of the Constitution prays for issuance of direction to the respondents to vacate the premises M/s Grewal Rice Mill, Sangrur as per the undertaking given to this Hon'ble Court in CWP No. 2280 of 2000. It is appropriate to mention that respondent No. 2-Gobinder Singh had filed Civil Misc. application No. 24975 of 2000 in CWP No. 2280 of 2000, in para- 6 of which, he has stated as under:-

> " That the petitioner filed this application before this Hon'ble Court giving undertaking that he shall alongwith family members shall vacate the said portion within a period of six months and in case the said premises is not vacated within six months, the petitioner shall be liable for contempt of court proceedings or any other proceedings as contemplated under the law."

Accordingly, this Court passed an order on 20.10.2000 by observing as under:-

> " A gentleman, calling himself to be Gobinder Singh petitioner, is present in Court. He has been identified by

Mr. M.S.Bedi, Advocate, appearing for respondents No. 3 and 4. The petitioner states that he has given up his counsel, who was appearing for him in this petition and that he does not want the counsel to appear on his behalf any more.

We have heard the petitioner, who is present in person. He says that he wants to withdraw this writ petition for the reasons mentioned in this application. We allow the CM and the petitioner is permitted to withdraw this writ petition.

CWP No. 2280/2000

In view of the order in CM 24975/2000, the hearing of the writ petition is advanced from 27.11.2000 to today. The petitioner states that he has given up his counsel, who was appearing in this case on his behalf. Further, in view of the order in CM No. 24975/2000, this writ petition is dismissed as withdrawn, as prayed."

It is apparent that period of six months had expired in April, 2001. It is also clear that no settlement by April, 2001 had been arrived at between the parties. The petition does not reveal as to why the petitioner-Corporation continued to sleep over the matter, except to see that there was some settlement arrived at in the year 2002 and thereafter, on 20.06.2003 settlement eventually matured but the outstanding amount of the Corporation continued to remain unpaid.

The prayer now made is that respondent No. 2 may be directed to vacate the premises and hand over the same to the Corporation.

We are unable to appreciate as to why the petitioner-Corporation has slept over the matter for a period of six years. After the expiry of period of six months in April, 2001, they were entitled to receive

the amount from the respondents. However, no steps were taken. Even thereafter the petitioner-Corporation had ample power to proceed against the respondents in the years 2002 and 2003, yet no steps were taken. The instant petition has been filed to take the support of legal process, which is wholly without any basis and we are unable to appreciate the prayer, now made in the petition. It is evident that the petitioner-Corporation has been extending absolute leverage to the respondents in order to cover up the lapses committed by the petitioner-Corporation. The instant petition now after a long gap cannot be entertained.

Learned counsel for the petitioner-Corporation, however, has stated that an enquiry might be held in the matter with regard to the conduct of those officers, who were at the helm of affairs at the relevant time to come to a definite conclusion.

In view of the above, the writ petition is dismissed with costs of Rs. 10,000/- and we appreciate the statement made by the learned counsel for the petitioner for holding an enquiry.

Let an enquiry be held in the affairs of the petitioner-Corporation in the present case within a period of three months.

A copy of this order be sent to Chief Secretary, Punjab and Managing Director of Punjab Financial Corporation.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 07, 2007
pj